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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,284

12/04/2003

Jin Degen

15865.23a.1

7155

22913

7590

09/26/2006

WORKMAN NYDEGGER  
(F/K/A WORKMAN NYDEGGER & SEELEY)  
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SALT LAKE CITY, UT 84111

EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/728,284

Applicant(s)

DEGEN ET AL.

Examiner

Timothy M. Ayres

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3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,6,7,9,11-14,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,7,9,11-14,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/14/06 has been entered.

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: First and second brackets are not described in the specification. They are shown in the drawings, but do not have reference numbers.

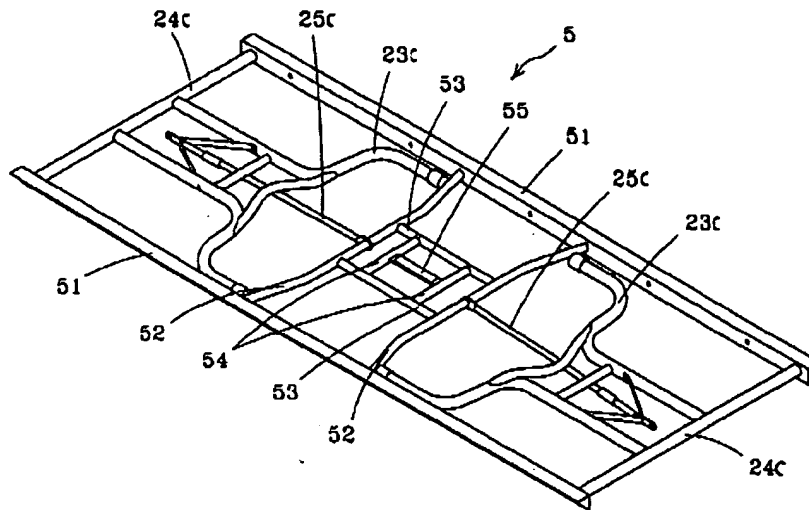
### ***Claim Rejections - 35 USC § 102***

3. Claims 1, 6, 7, 9, 12-14, 21, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication 2003/0233967 to Lin. In the embodiment in figure 1 and 2 Lin teaches a table with a table top (1). The table top (1) has a top surface and a bottom surface. A frame structure (2) is made of metal. A mounting structure (12) is centrally disposed on the bottom surface. The mounting structure (12) includes a first connecting member (A') and a second connecting member (B'). A first and second leg

assembly (23,24) is attached to the table top. A first support assembly (25) is attached to the first leg assembly (23,24) and to a first connecting rod (G'). The first connecting rod (G') is connected to the first and second connecting member (A', B') and second connecting rod (H') is also connected to the first and second connecting member (A', B'). A second leg assembly (23,24) has a second support assembly (25) connecting to the second connecting rod (H'). A first handle (E') is attached to the inner side of the first connecting member (A') and the first connecting member has a c-shape with the middle space (14) allowing for a person to place their fingers around the handle (E'). The handle (E') is considered spaced apart from the connecting rods (26) since the handle (E') is only received by a person's hand at the space (14) and the ends of the c-shaped first connecting member (A') act to space apart the handle (E') from the connecting rod (26). The handle (E') is formed discretely or from a separate piece than the first connecting member (A'). A second handle (F') is attached to the inner side of the second connecting member (B') and disposed between the first and second connecting rod (26). The first bracket (C') is connected to the inner side of the first connecting member (A') at the portion closest to the table top. The second bracket (D') is connected to the inner side of the first connecting member (B') at the portion closest to the table top.

4. Claims 1, 6, 7 12-14, 21, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publications 2003/0233967 to Lin. In the embodiment in figure 6 Lin teaches a table with a table top (1). The table top (1) has a top surface and a bottom surface. Figure 6 teaches an alternative frame structure (5) made of metal to substitute the frame structure (2) of figure 1 and 2. A mounting structure (12) is centrally disposed on the bottom surface. The mounting structure (12) includes a first connecting member (A') and a second connecting member (B'). A first and second leg

assembly (23c,24c) is attached to the table top. A first support assembly (25c) is attached to the first leg assembly (23c,24c) and to a first connecting rod (52). The first connecting rod (52) is connected to the first and second connecting member (A', B') and second connecting rod (52) is also connected to the first and second connecting member (A', B'). A second leg assembly (23c,24c) has a second support assembly (25c) connecting to the second connecting rod (52). A handle has a handle portion (55) that is attached to the inner side of the first connecting member (A') and inner side of the second connecting member (B') via the connecting portion (54). A space is below the handle portion (55) to allow a person to place their fingers around the handle portion (55). The handle (55,54) is formed separately from the connecting members (A', B'). The connecting portion (54) and the handle portion (55) is formed from two pieces of metal welded together making them formed discretely. The connecting members (A', B') are formed integrally formed with the table top (1). The table top (1) is made of plastics by blow molding method, which means that it has a hollow interior. First and second brackets (53) connect to the inner side of the first and second connecting member (A', B') and to connecting portion (54) of the handle (55,54).



Lin '967 Figure 6

### ***Claim Rejections - 35 USC § 103***

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publications 2003/0233967 to Lin. The embodiment in figure 1 Lin discloses every element as claimed and discussed above except third and fourth connecting members. It would have been obvious matter of design choice to modify Lin '967 by having the first and second connecting members split into two to make a third and fourth connecting members, since the applicant has not disclosed that having more than two connecting members solves any stated problem or is for any particular purpose and it appears that the structure would perform equally as well with just two connecting members.

6. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publications 2003/0233967 to Lin. The embodiment in figure 6 Lin discloses

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every element as claimed and discussed above except a second handle and third and fourth connecting members.

7. Regarding claim 9, Lin does not expressly disclose a second handle, at the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the structure of Lin by having two handles connected to the two connecting portions to allow for multiple gripping positions and users with shorter arms. Note: It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. See MPEP § 2144.04

8. Regarding claim 11, It would have been obvious matter of design choice to modify Lin '967 by having the first and second connecting members split into two to make a third and fourth connecting members, since the applicant has not disclosed that having more than two connecting members solves any stated problem or is for any particular purpose and it appears that the structure would perform equally as well with just two connecting members.

#### ***Allowable Subject Matter***

9. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

10. Applicant's arguments filed 8/14/ 06 have been fully considered but they are not persuasive. Lin does teach a first bracket configured substantially as claimed.



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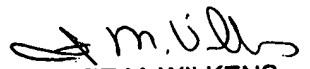
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TMA  
9/14/06

  
JANET M. WILKENS  
PRIMARY EXAMINER  
17 U 3637